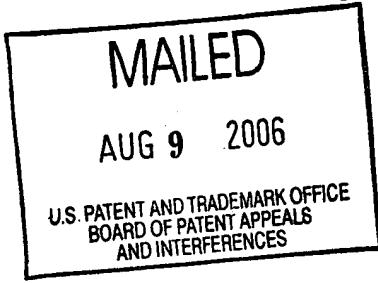


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte MICHAEL WAYNE BROWN, JOSEPH HERBERT MCINTYRE,  
MICHAEL A. PAOLINI, JAMES MARK WEAVER  
and SCOTT LEE WINTERS

Application 10/015,381

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 1, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

The content under the heading "**SUMMARY OF CLAIMED SUBJECT MATTER**" contained in the Appeal Brief filed on December 12, 2005 does not provide a sufficient summary of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each

independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section. [See 37 CFR § 41.37(c)(1)(v).]

A Supplemental Appeal Brief that is in compliance with 37 CFR § 41.37(c)(1)(v) is required.

Further, a review of the file indicates that the appellants filed the Appeal Brief of December 12, 2005 using the format set forth in 37 CFR § 41.37(c).

Upon an in-depth review of the Appeal Brief indicates that the following sections are missing from the Appeal Brief of December 12, 2005:

- 1) "Evidence Appendix", as set forth in 37 CFR § 41.37(c)(1)(ix); and
- 2) "Related Proceedings Appendix", as set forth in 37 CFR § 41.37(c)(1)(x).

A Supplemental Appeal Brief that is in compliance with 37 CFR § 41.37(c) is required. For more information See United States Patent and Trademark website [www.uspto.gov](http://www.uspto.gov), in particular the web page entitled More Information on the Rules of Practice Before the BPAI, Final rule at:

<http://www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html>.

Accordingly, it is

**ORDERED** that the application is being electronically returned to the Examiner to:

- 1) to have appellants submit a Supplemental Appeal Brief that is in compliance with 37 CFR § 41.37(c)(1)(v) for the “Summary of Claimed Subject Matter,” section contained in the Appeal Brief filed on December 12, 2005,
- 2) to hold the Appeal Brief of December 12, 2005 defective;
- 3) for appellants to file a Supplemental Appeal Brief that is in compliance with 37 CFR § 41.37; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
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GJH

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